

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
Establishment of Rule Governing Procedures to	)	CI Docket No. 02-32
Be Followed When Informal Complaints Are Filed	)	
By Consumers Against Entities Regulated by the	)	
Commission	)	
	)	
Amendment of Subpart E of Chapter 1 of the	)	CC Docket No. 94-93
Commission's Rules Governing Procedures to Be	)	
Followed When Informal Complaints Are Filed	)	
Against Common Carriers	)	
	)	
2000 Biennial Regulatory Review	)	CC Docket No. 00-175

**COMMENTS OF WORLDCOM, INC.**

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Dated: May 16, 2002

## EXECUTIVE SUMMARY

*Contact with Service Provider.* WorldCom recommends that, for those consumers that call in to the Commission's call centers, the Commission should refer those consumers to their service providers before accepting their complaints. Although the Commission was reluctant to institute such a blanket requirement, it did state that it encourages consumers to first address their concerns directly with the service provider before proceeding with a complaint with the Commission. WorldCom's approach would satisfy both WorldCom's and the Commission's goals -- the staff can assure the consumers that they will always have access to the informal complaint process but at the same time, consumers could take advantage of a more expedient way to resolve their concerns.

*Content of Complaints.* Complainants should include 1) their name, telephone number, address and account number, if appropriate; 2) the service provider's name and address; 3) details about the product or service at issue; 4) facts supporting the claim of the alleged violation; 5) a copy of the invoice or correspondence giving rise to the dispute; and 6) the relief sought. Consumers should also include a contact number where they can be reached during business hours. Furthermore, if the customer is a business, it should include an account number, name of account representative, and copies of relevant contract provisions.

*Responses to Informal Complaints.* WorldCom does not believe that a specific time frame for company responses should be adopted. Service providers need a minimum of 30 days to internally process complaints, research the customer's account and formulate a response. Companies will also need flexibility to request extensions to

respond to complaints that raise complex issues, particularly where business accounts are involved.

*Review and Disposition of Complaints.* Complaints filed for issues arising more than two years prior to the filing of a complaint should be barred. The Commission's record retention rules only require toll service providers to retain records for eighteen months. WorldCom retains records for two years because of the statute of limitations set forth in section 415. Beyond two years, the records will not exist to address customer concerns.

*Time Period for Relating Back of Formal Complaints.* WorldCom does not support the Commission's proposal to revise section 1.717 to provide that the period of time allowed for filing a formal complaint based on an unsatisfied informal complaint be 60 days after the staff has informed the parties in writing of its disposition of the informal complaint. Such a change will reduce certainty and clarity regarding the period of time in which a formal complaint based on an unsatisfied informal complaint must be filed. Once the carrier or service provider's response is received, the customer knows whether or not the response is satisfactory. There is no need to delay the time period for filing a formal complaint based on staff dispositions.

*Confidential Treatment of Filings.* WorldCom supports the proposal that informal complaint records no longer be routinely available to the public, particularly since complainants will be filing more detailed submissions.

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**COMMENTS OF WORLDCOM, INC.**

WorldCom, Inc. ("WorldCom") hereby submits comments on the above-captioned notice of proposed rulemaking ("Notice").<sup>1</sup> WorldCom agrees that the Federal Communications Commission (the "Commission") should establish a unified streamlined process for addressing informal complaints. For many years now WorldCom has resolved consumer disputes in a satisfactory manner through the section 208 complaint process, which currently applies to WorldCom's operating units as common carriers. As a process that has proven to be a valuable tool for resolving consumer disputes, it would seem highly appropriate that the Commission would seek to extend this complaint

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<sup>1</sup> In the Matter of Establishment of Rule Governing Procedures to Be Followed When Informal Complaints Are Filed By Consumers Against Entities Regulated by the Commission, Amendment of Subpart E of Chapter 1 of the Commission's Rules Governing Procedures to Be Followed When Informal Complaints Are Filed Against Common Carriers, 2000 Biennial Regulatory Review, Memorandum Opinion and Order and Notice of Proposed Rulemaking, CI Docket No. 02-32, CC Docket No. 94-93, CC Docket No. 00-175, FCC 02-46 (rel. Feb. 28, 2002).

mechanism to other sectors of the industry. Because the section 208 complaint process already applies to WorldCom's subsidiaries, WorldCom's comments are limited to the Commission's proposed changes to the existing rules governing informal complaints.

#### Initial Contact with the Service Provider

Like the Commission, WorldCom prefers an informal complaint process that promotes cooperative efforts between carriers and consumers to quickly resolve disputes without the need for informal or formal complaints. *Notice*, ¶ 9. WorldCom therefore believes that consumers should contact their service providers to try and resolve a dispute and avoid the need for a complaint.

WorldCom acknowledges that, in the *Notice*, the Commission was reluctant to have a blanket requirement that consumers first contact their service providers, stating that access to a consumer-friendly informal complaint process will ensure that consumers have a right to have their grievances heard. *Id.* The Commission did state, however, that it encourages consumers to first address their concerns directly with the service provider before proceeding with a complaint with the Commission. The Commission recognizes that consumers are more likely to obtain faster results by first contacting the service provider than filing with the Commission and waiting 30 days or longer before receiving a response.

If consumers contact WorldCom directly before filing a complaint, that would expedite resolution of the matter. WorldCom recommends that, for those consumers that call in to the Commission's call centers, the Commission refer those consumers to their service providers. This would satisfy both WorldCom's and the Commission's goals --

the staff can assure the consumers that they will always have access to the informal complaint process but at the same time, consumers could take advantage of a more expedient way to resolve their concerns. Indeed, the Commission often refers WorldCom customers directly to the company if the customer calls in to one of the Commission's call centers with a concern. In these instances, WorldCom begins working promptly to resolve the customers' concerns. Consumers are aware that, if WorldCom does not resolve an issue to their satisfaction, that they have a right to file a complaint with the Commission.

Addressing an issue with the service provider first can only help consumers. To assist customers in this manner, WorldCom would be willing to work with the Commission to provide a single point of contact or a toll free number – separate from WorldCom general customer service—where customers would get assistance to avoid the need to file a complaint.

#### Form and Content of Informal Consumer Complaints

WorldCom agrees with the Commission's tentative conclusion to require consumers to include in their complaints: 1) their name, telephone number, address and account number, if appropriate; 2) the service provider's name and address; 3) details about the product or service at issue; 4) facts supporting the claim of the alleged violation; 5) a copy of the invoice or correspondence giving rise to the dispute; and 6) the relief sought. *Notice*, ¶ 11. WorldCom also believes that consumers should include a contact number where they can be reached during business hours. Furthermore, if the customer is a business, it should include an account number, name of account representative, and copies of relevant contract provisions.

As the Commission stated, while these requirements will require some minimal effort by consumers, service providers need this information in order to resolve customer complaints. If, for example, a customer fails to include a copy of an invoice, and WorldCom cannot find an account for the customer, WorldCom will not be able to quickly resolve the issue until an invoice is received. This causes an unnecessary delay to the customer, making it more difficult for the customer to resolve their issue.

This process could be simplified by requiring customers to first their contact service providers. In the event that the service provider needs additional information or documentation, it can inform the customer immediately instead of having to wait for an informal complaint to be filed and served.

#### Responses to Informal Complaints

WorldCom does not believe that a specific time frame for company responses should be adopted. *Notice*, ¶ 14. A time frame is not currently codified in the Commission's rules and that should remain the case. Service providers need a minimum of 30 days to internally process complaints, research the customer's account and formulate a response. Companies will also need flexibility to request extensions to respond to complaints that raise complex issues, particularly where business accounts are involved.

#### Review and Disposition of Informal Consumer Complaints

WorldCom strongly believes that a time limit should be confirmed for the filing of informal complaints. Any complaint, whether formal or informal, that is filed pursuant to section 208 for monetary damages, should be constrained by the statute of limitations



in section 415(b) of the Communications Act of 1934, as amended (the “Act”).<sup>2</sup> There is nothing in the Act or the Commission’s rules that justifies a different limitations period.

Complaints filed for issues arising more than two years prior to the filing of a complaint should be barred. The Commission’s record retention rules only require carriers to retain records for eighteen months. 47 C.F.R. §§ 42.6, 7. WorldCom retains records for two years because of the statute of limitations period in section 415. Beyond two years, the records will not exist to address customer concerns.

#### Time Period for Relating Back of Formal Complaints

WorldCom does not support the Commission’s proposal to revise section 1.717 to provide that the period of time allowed for filing a formal complaint based on an unsatisfied informal complaint be 60 days after the staff has informed the parties in writing of its disposition of the informal complaint. *Notice*, ¶ 22. Such a change will reduce certainty and clarity regarding the period of time in which a formal complaint based on an unsatisfied informal complaint must be filed.

Currently, section 1.717 provides complainants with sufficient time to convert an unsatisfied informal complaint into a formal complaint – six months from the date of the service provider’s report, or response to the complaint. As the Commission stated, there is no requirement that customers first file an informal complaint as a pre-requisite to a formal complaint. If there is a strong preference for a formal complaint, complainants can avoid the informal complaint process completely.

Waiting for a decision from the staff regarding the resolution of a complaint will not only introduce uncertainty into the process, but is unnecessary. Only recently has the

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<sup>2</sup> WorldCom cannot think of any reason why the statute of limitations would be different

staff begun to issue statements formally disposing of informal complaint proceedings. These dispositions to-date simply indicate that the matter is closed. There is no need to delay the time period for filing a formal complaint based on staff dispositions. Once the carrier or service provider's response is received, the customer knows whether or not the response is satisfactory or whether or not additional steps are necessary.

Confidential Treatment of Filings

WorldCom is not opposed to the proposal that informal complaint records no longer be routinely available to the public, particularly since complainants will be filing more detailed submissions. *Notice*, ¶ 22. It is perfectly understandable that members of the public would not want their phone numbers or other personal account information made routinely available for general inspection.

Respectfully submitted,

WORLDCOM, INC.

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Dated: May 16, 2002

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for any other segment of the industry, but will leave it to those parties to comment.

## **Certificate of Service**

I, Lonzena Rogers, do hereby certify, that on this sixteenth day of May, 2002, I have caused a true and correct copy of WorldCom, Inc.'s Reply Comments to be served by e-mail and facsimile on the following:

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/s/ Lonzena Rogers